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involved at USUN that all communications regarding JDL prosecutions should go through the channels outlined above. This way the left hand will always know what the right hand is doing.

In addition, I have two specific suggestions to make, the carrying out of which I think would be important to our efforts. First of all, the 1966 agreement between USUN and the New York City Police Department should be revived whereby USUN officers may act as complainants in trespass cases, i.e. sit-ins in foreign missions. It was specifically suggested by representatives of the Police Department and the New York County District Attorney's office at my meeting on March 1 that a reversion to this procedure would be helpful to the extent that trespass cases arise. I know from a discussion I had with Mr. Glennon that he is doubtful about its utility. He pointed out that while a USUN officer acting as complainant usually is sufficient to obtain issuance of a complaint commencing a prosecution, when a case actually comes to trial the District Attorney's office usually feels that as a practical matter a conviction is not likely to be obtained without the testimony of the foreign official involved. I agree, but I also note that following the previous procedure would at least have the advantage of involving the particular foreign official in just one court appearance, i.e. for testimony, and not in two or possibly more, i.e. complaint and testimony. I think it is important that we cooperate with the New York authorities if they request it, and in this case they have requested it.

A second suggestion is simply that Soviet personnel continue to be encouraged to appear in court, as required, to testify, and, where necessary, to act as complainants. It is true that a police officer alone may act as complainant if he has witnessed the commission of a crime. However, where the elements of the crime are to some extent subjective, as in harassment cases where only the object of harassment can really say whether he felt harassed or not, it is impossible to obtain a conviction, and possibly even to

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obtain a complaint, unless the official involved is willing to act. My feeling is that Soviet officials have demonstrated an increasing willingness to act as complainants and to appear in court, and I think it important that they be impressed whenever possible with the fact that without such cooperation we cannot, because of our judicial system, seek punishment of offenders.

You might be interested in knowing also that we are recommending to the Secretary that he both telephone and write Frank Hogan, congratulating him on the recent conviction of Rabbi Kahane and urging him to expedite prosecution of additional JDL cases.

I think this should bring you up to date on developments. Do not hesitate to contact me, particularly as Jack Stevenson is now absent for some time, if I may be of help to you. I expect I will be returning to New York periodically on much the same mission as took me there March 1, and on some such occasion I would enjoy the pleasure of having lunch with you.

Sincerely,

Charles N. Brower  
Assistant Legal Adviser  
for European Affairs

Enclosure

Clearance: L/UNA - Mr. Bettauer  
UNP - Mr. Rothenberg *RB*

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